

**2009 DRAFTING REQUEST****Bill**Received: **12/12/2008**Received By: **tkuczens**Wanted: **As time permits**

Identical to LRB:

For: **Spencer Coggs (608) 266-2500**By/Representing: **Dave**This file may be shown to any legislator: **NO**Drafter: **tkuczens**

May Contact:

Addl. Drafters:

Subject: **Education - school boards**  
**Elections - miscellaneous**Extra Copies: **PG**Submit via email: **YES**Requester's email: **Sen.Coggs@legis.wisconsin.gov**Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Use of race-based names, nicknames, logos, and mascots

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 12/15/2008	nnatzke 12/16/2008		_____			S&L
/1			mduchek 12/17/2008	_____	sbasford 12/17/2008	cduerst 01/30/2009	

FE Sent For:

&lt;END&gt;

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		11/15 f	12/16	12/16			
		12/16					

FE Sent For:

<END>

## STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

December 12, 2008

Dave in Sen. Legis office T. call 266-2500

Redraft 2007 LRB 2071 for 2009-10 session.

→ change all instances of "ethnic" to "race-based".

→ Introdueible.



2009  
**2007 SENATE BILL 132**  
in 12/15/08

SA03 ✓  
09 ✓  
X-ref ✓

April 6, 2007 – Introduced by Senators COGGS, RISSER, CARPENTER and HANSEN, cosponsored by Representatives MUSSER, BOYLE, BERCEAU, CULLEN, FIELDS, GRIGSBY, KREUSER, MURSAU, NELSON, PARISI, POCAN, SCHNEIDER, SHERIDAN, SINICKI, SOLETSKI, SHERMAN and SHILLING. Referred to Committee on Education.

Regen.

- 1 AN ACT *to create* 118.134 of the statutes; **relating to:** the use of ethnic names, <sup>race-based</sup>
- 2 nicknames, logos, and mascots by school boards, granting rule-making <sup>requiring the exercise of</sup>
- 3 authority, and providing a penalty.

***Analysis by the Legislative Reference Bureau***

Current law prohibits discrimination against pupils on a number of grounds, including race and ancestry. This bill provides that a school district resident may

× object to a school board's use of an ethnic name, nickname, logo, or mascot by filing a complaint with the state superintendent of public instruction. The state superintendent must schedule a hearing on the complaint, at which the school board

× has the burden of proving by clear and convincing evidence that the use of the ethnic name, nickname, logo, or mascot does not promote discrimination, pupil harassment, or stereotyping. If the state superintendent finds in favor of the complainant, the

× state superintendent must order the school board to terminate its use of the ethnic name, nickname, logo, or mascot within 12 months after issuance of the order. A school board is subject to a forfeiture of not less than \$100 nor more than \$1,000 for

× each day that it uses the ethnic name, nickname, logo, or mascot in violation of the order. The decision of the state superintendent is subject to circuit court review.

LPS: Please chg. comp. X → For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

(B)(1) state and

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

## SENATE BILL 132

## SECTION 1

SECTION 1. 118.134 of the statutes is created to read:

<sup>② Race-based</sup>  
**118.134 Ethnic names, nicknames, logos, and mascots. (1)**

Notwithstanding s. 118.13, a <sup>resident</sup> resident of the school district may object to a school <sup>the school board of that school district by</sup> board's use of <sup>a race-based</sup> an ethnic name, nickname, logo, or mascot by filing a complaint with the state superintendent. The state superintendent shall notify the school board of the receipt of the complaint and schedule a <sup>contested</sup> case hearing within 45 days after the complaint is filed.

(2) At the hearing, the school board has the burden of proving by clear and convincing evidence that the use of the <sup>a race-based</sup> ethnic name, nickname, logo, or mascot does not promote discrimination, pupil harassment, or stereotyping, as defined by the state superintendent by rule.

(3) The state superintendent shall issue a decision and order within 45 days after the hearing. If the state superintendent finds that the use of the <sup>a race-based</sup> ethnic name, nickname, logo, or mascot does not promote discrimination, pupil harassment, or stereotyping, the state superintendent shall dismiss the complaint. If the state superintendent finds that the use of the <sup>a race-based</sup> ethnic name, nickname, logo, or mascot promotes discrimination, pupil harassment, or stereotyping, the state superintendent shall order the school board to terminate its use of the <sup>a race-based</sup> ethnic name, nickname, logo, or mascot within 12 months after issuance of the order. Decisions of the state superintendent under this subsection are subject to judicial review under ch. 227.

(4) The state superintendent shall promulgate rules necessary to implement and administer this section.

<sup>a race-based</sup>  
(5) Any school board that uses an ethnic name, nickname, logo, or mascot in violation of sub. (3) shall forfeit not less than \$100 nor more than \$1,000. Each day

2007 – 2008 Legislature

3-

LRB-2071/1  
TKK:wlj:jf  
SECTION 1

**SENATE BILL 132**

1 of use of the ethnic name, nickname, logo, or mascot in violation of sub. (3) constitutes  
2 a separate violation. *a race-based*

3 (END)

**Duerst, Christina**

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**From:** de Felice, David Patrick  
**Sent:** Friday, January 30, 2009 10:38 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-1124/1 Topic: Use of race-based names, nicknames, logos, and mascots

Please Jacket LRB 09-1124/1 for the SENATE.